

ENVIRONMENTAL PROTECTION COMMISSION[567]

Adopted and Filed

Pursuant to the authority of Iowa Code sections 459.103 and 459A.104, the Environmental Protection Commission (Commission) hereby amends Chapter 65, “Animal Feeding Operations,” Iowa Administrative Code.

The purpose of the amendment to the animal feeding operation rules is to allow for the submittal of manure management plan updates and associated fees electronically through the Department of Natural Resources’ (Department’s) Web application system.

Notice of Intended Action was published in the Iowa Administrative Bulletin on August 16, 2017, as **ARC 3257C**. A public hearing was held on September 5, 2017, in Des Moines, Iowa. The Department received three written comments and two oral comments. Four of the five comments were in support of the amendment, and the remaining comment offered general comments and questions regarding the implementation of the electronic submittal process. This amendment is identical to that published under Notice.

After analysis and review of this rule making, the Commission has determined that the amendment will have a positive impact on private sector jobs due to savings in costs associated with postage, time, plan preparation and transportation. The complete jobs impact statement is available from the Department upon request.

This amendment is intended to implement Iowa Code sections 459.103 and 459.302.

This amendment shall become effective on November 15, 2017.

The following amendment is adopted.

Amend paragraph **65.16(3)“b”** as follows:

b. The owner of a confinement feeding operation who is required to submit a manure management plan under this rule shall submit an updated manure management plan on an annual basis to the department. The updated manure management plan may be submitted by hard copy or by electronic submittal. The updated plan must reflect all amendments made during the period of time since the previous manure management plan submission.

(1) If the plan is submitted by hard copy, the submittal process shall be as follows: The owner of the animal feeding operation shall also submit the updated manure management plan on an annual basis to the board of supervisors of each county where the confinement feeding operation is located and to the board of supervisors of each county where manure from the confinement feeding operation is land-applied. If the owner of the animal feeding operation has not previously submitted a manure management plan to the board of supervisors of each county where the confinement feeding operation is located and each county where manure is land-applied, the owner must submit a complete manure management plan to each required county. The county auditor or other county official or employee designated by the county board of supervisors may accept the updated plan on behalf of the board. The updated plan shall include documentation that the county board of supervisors or other designated county official or employee received the manure management plan update.

(2) If the plan is submitted electronically, the submittal process shall be as follows: The owner of the animal feeding operation shall submit the updated manure management plan to the department through the department’s electronic Web application. Once the submittal has been completed, the department shall provide electronic access of the updated manure management plan to the board of supervisors of each county where the confinement feeding operation is located and each county where manure is land-applied.

(3) The department will stagger the dates by which the updated manure management plans are due and will notify each confinement feeding operation owner of the date on which the updated manure management plan is due. To satisfy the requirements of an updated manure management plan, an owner of a confinement feeding operation must submit one of the following:

(1) 1. A complete manure management plan;

- ~~(2)~~ 2. A department-approved document stating that the manure management plan submitted in the prior year has not changed; or
- ~~(3)~~ 3. A department-approved document listing all the changes made since the previous manure management plan was submitted and approved.

[Filed 9/22/17, effective 11/15/17]

[Published 10/11/17]

EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 10/11/17.